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Testimony of Common Cause President Chellie Pingree before the House Committee on Government Reform

Chairman Davis, Representative Waxman, and Members of the Committee, Common Cause appreciates this opportunity to testify on legislative efforts to address the recent scandals in Congress and begin to restore the public's trust in government.

We know that recent scandals have greatly frayed that trust. The spectacle of executive branch officials and Members of Congress betraying their duty to serve the public interest increases public cynicism and threatens to erode further citizen participation in our democracy.

The American public has grown increasingly disillusioned about ethics in government, finding fault with both the Administration and Congress for the current state of affairs. A *Los Angeles Times/Bloomberg* poll last week revealed that 47 percent of those surveyed disapprove of the way the President is handling "ethics in government," and only one in three Americans rank Congressional ethics as "excellent" or "good." This is a bipartisan problem. Nearly seven in ten of those surveyed felt there was no difference in the integrity and ethical standards of Republicans and Democrats.

Vigorous enforcement of existing laws is critical to restoring trust. Legislation that makes clear that wrongdoing will not go unpunished is a part of the solution to this problem. For this reason, Common Cause supports the Federal Pension Forfeiture Act. This legislation would deny federal retirement benefits to federal policymakers, including Members of Congress and their staffs, and political appointees in the executive branch who are convicted of crimes related to public corruption, crimes such as accepting bribes or defrauding the federal government, embezzling federal property or falsifying federal documents.

Losing a federal pension will be a deterrent to officials who may considering action that betray the public trust. The retirement benefits that Members of Congress and high-level federal employees are entitled to receive after they retire often are more than the average American earns annually from a full-time job. The fact that public servants who have seriously violated their duties to the public would be rewarded by a lifetime pension seems grossly unfair to average citizens. It seems particularly unfair when the majority of Americans can expect no pension when they retire, and when corporations like Enron implode and deny millions of innocent workers their retirement savings.

Derek Bok
Chairman

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Passage of the Federal Pension Forfeiture Act is a good step in a multi-pronged effort to restore the public's faith in government.

While we support this legislation, much more is needed.

Common Cause is supporting an expansive reform agenda, beyond what this committee is considering today. We have developed five proposals (attached) to reform the flawed Congressional ethics process, and a Washington culture that encouraged not only the flourishing of discredited, now indicted, lobbyist Jack Abramoff, but of a system of special interest influence that undermines our democracy.

We believe House and Senate leaders of both parties should agree to establish an **independent ethics commission** with the power to accept complaints, investigate them and make recommendations to the respective House and Senate ethics committees. Restoring public trust only can happen if the public has confidence that Congress is committed to cleaning up its own house.

We also believe that the root cause of so many of these problems is the undue influence of money on our politics. Common Cause is committed to **public financing of all federal elected offices**. Public financing of elections makes it possible for Members of Congress to focus on serving citizens, not the special interests they rely on to fund their campaigns. It also ensures that the federal government spends its money wisely, based on the public interest, and not on the parochial interests of a specific company or donor.

We also want to address:

Revolving Door: The problem of conflicts of interest when government officials with serious responsibilities are looking to advance their careers in the private sector.

We are all familiar with former Medicare administrator Thomas Scully's effort to conceal the true cost of the President's Medicare prescription drug plan from Congress while negotiating for a job with private sector interests that would be favorably affected by its passage. Today, senior citizens are scrambling to make sense of the convoluted program while our federal budget plunges even further into the red. That a single government employee could have such incredible influence over the passage of a hundred million dollar piece of legislation like the prescription drug bill cries out for tougher ethics rules.

Scully got a waiver from his agency to conduct those employment discussions. Since then, the Administration to its credit has clamped down on the practice of granting such waivers. However the time may be ripe for even stricter rules, perhaps written into law, that simply do not allow for waivers, period. Government and legislative employees should not be negotiating with prospective employers while they have a role in legislation or regulation that affects those same employers.

Political Cronyism: The appointment of political cronies is a problem that has infected both Democratic and Republican administrations, but the issue has come into sharper focus recently.

When the head of the Federal Emergency Management Agency turns out to have little prior experience in disaster preparedness, our ability to respond to Hurricane Katrina was impaired. Unfortunately, Michael Brown's apparently political appointment is not the exception. Cronyism rears its head in other, less visible, appointments to boards and commissions that affect our lives. Two recent Bush appointees to the Corporation for Public Broadcasting, whose duty is to protect public television and public radio from political interference, were major donors and partisans with no experience in public broadcasting. These appointees have helped to jeopardize the editorial independence of public broadcasting at a time when the public needs fact-based investigative journalism more than ever before.

Both Democratic and Republican administrations have been guilty of placing political supporters and major donors in government jobs or on government commissions. But the stakes are higher now. In this post-911 era, should even one member of the President's Foreign Intelligence Advisory Board lack the proper credentials to give the President an informed assessment of how well federal intelligence agencies are functioning? Yet, according to media accounts, Texas oil billionaire Ray Hunt and Cincinnati financier William DeWitt Jr. were recently reappointed to that body, despite their lack of experience or expertise in this critical area of national security.

We support the proposals contained in the Anti-Cronyism and Public Safety Act that require a political appointee responsible for public safety have superior credentials and experience that is relevant to the position for which he or she is being considered. We also believe any candidate should be free of potential conflicts of interest that might arise from regulating a former employer.

Greater Disclosure: is critical, but insufficient.

Every day an army of lobbyists descends on Congress and the various agencies of the federal government. Lobbying the federal government is a billion dollar industry. But the public knows relatively little about what lobbyists are working on and almost nothing about whom they are talking to.

As Congress considers new lobbying rules in the wake of the Jack Abramoff scandal, there are a number of common sense reforms that would greatly improve the system.

Common Cause and other reform advocates long have called for better lobby disclosure that makes it possible for the average citizen to access these forms on the Internet in a user-friendly searchable format. Currently, no one – including the most sophisticated Washington-based researchers – can find out without hours and hours of labor something as simple as the names of all the lobbying firms that worked on the Medicare prescription drug bill, or that lobbied the Food and Drug Administration on a particular regulation. Congressional proposals to tighten lobby disclosure will help us understand the influence of lobbyists on agencies as well as Congress. But any new lobby disclosure rules must be accompanied by a better system of enforcing these rules. The Clerk of the House and the Secretary of the Senate are institutionally inappropriate to play an enforcement role. This function should be placed in an independent ethics commission, as we outline in the attached set of proposals.

Another place disclosure rules need to be tightened is privately funded travel for federal officials. Federal ethics law requires travel disclosure reports of every executive agency. Vice President Dick

Cheney, however, insists he does not have to inform the American people about the trips he takes, the speeches he makes, or the special interests he meets with.

The vice president contends his office is not an executive agency and the disclosure rules don't apply because he does not make any trips that are privately funded. According to the Center for Public Integrity (www.publicintegrity.com), the vice president has made more than 275 speeches and appearances, including speeches to 23 think tanks and trade groups and 16 colleges. The Vice President calls all this travel "official business" and puts it on the public's tab, while not giving the public any explanation of whether these trips truly served their interest and were a good use of government funds.

Avoiding privately funded travel is a good practice, in principle, but not if it is used as a strategy to keep the public in the dark about the vice president's comings and goings.

If the President truly wants to encourage a culture of accountability in government, then one place to start is with his own vice president. President Bush should make clear to Vice President Cheney that he owes the American people some accounting of how he spends his days ostensibly doing their business.

Government Contracting: We also believe our government's contracting policies and procedures have not been up to the task.

In the reconstruction of Iraq and the Gulf Coast, we saw federal agencies scrambling to meet the incredible demand for results by relying on no-bid, sole source contracts. As we learned in Iraq, when the need for expediency isn't balanced with a prudent amount of free market competition, taxpayers pay through the nose.

We believe that the Congressional oversight of contracting in Iraq has been woefully inadequate. Given the well-documented cases of waste and abuse in Iraq, we believe the review of Iraq reconstruction and troop support contracts is appropriate. Common Cause has called for the creation of a special investigative committee based on the highly successful Truman Committee during World War II. It seems logical that a comprehensive review of what happened would provide valuable insight and would likely save the American taxpayers billions of dollars, just as the Truman Committee did 60 years ago.

Similarly, we are supportive of the proposals to increase accountability in federal contracting in the reconstruction along the Gulf Coast that are contained in the Hurricane Katrina Accountability and Contracting Reform Act. We think the federal government should not be completely outsourcing the oversight of reconstruction contracts. And as I stated earlier, competition is essential and should not be jettisoned for the sake of expediency.

We thank the Committee for this opportunity to discuss increasing ethical conduct, transparency and accountability in the federal government. We look forward to working with you on legislative proposals to advance these goals.

